**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE**
**AND**
**HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

**WRIT APPEAL No. 25 OF 2007**

Between:

Smt. Kaipu Pitchamma

**..... Appellant**

AND

The A.P. State Financial Corporation,
Khammam Branch,
Rep. by its Branch Manager & others

**.....Respondents**

**:: J U D G M E N T ::**

Counsel for the appellant : Shri M. Surender Rao

**Dated: 05.01.2007**

**Per G.S.SINGHVI, CJ**

Feeling dissatisfied with what the appellant perceives as indirect refusal of her prayer for grant and/or continuance of ad-interim order, she has filed this appeal under Clause 15 of the Letters Patent.

We have heard Shri M. Surender Rao, learned counsel for the appellant and perused the record.

Since the writ petition filed by the appellant questioning the proceedings initiated by the Andhra Pradesh State Financial Corporation under Section 29 of the State Financial Corporations Act, 1951 including the sale of her property bearing No.15-1-26 (15-11 old) at Shastri Road, Palvancha, Khammam is pending before the Single Bench, we do not consider it proper to express any opinion on merits and demerits of her plea, but we do not have the slightest hesitation to hold that this appeal is thoroughly misconceived and is liable to be dismissed summarily.

What the learned Single Judged has done is to issue notice of WPMP No.32823 of 2006 filed by the appellant for grant of interim relief. This means that the appellant's prayer for interim relief is yet to be adjudicated and decided by the learned Single Judge. However, without waiting for final disposal of the miscellaneous petition by the learned Single Judge, the appellant has rushed to this Court without any tangible justification.

Learned counsel for the appellant submitted that while issuing notice in WPMP No.32823 of 2006, the learned Single Judge omitted to continue the ex parte interim order granted at the time of issue of notice of motion and, therefore, the Division Bench should pass an interim order, but we have not felt impressed because the learned counsel could not show that the factum of

passing of ad-interim order was brought to the notice of the learned Single Judge and he declined to continue that order. Therefore, we do not see any valid reason to entertain the appeal and pass interim order by overlooking the fact that the miscellaneous petition is yet to be decided by the learned Single Judge.

With the above observations, the appeal is dismissed. However, liberty is given to the appellant to file appropriate application before the learned Single Judge for grant of interim relief.

As a sequel to dismissal of the appeal, W.A.M.P.No. 37 of 2007 filed by the appellant for interim relief is also dismissed.

**G.S.SINGHVI, CJ**

**C.V. NAGARJUNA REDDY, J**

05.01.2007
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